



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 14, 2010

The Honorable Kirk Adams
Speaker
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Dear Speaker Adams,

Today, I signed House Bill 2261; community college boards; expansion, with the understanding that there will be subsequent legislation this session delaying the effect of the bill until 2012.

One of the main provisions of this bill is to expand the community college district governing board a county larger than three million persons. Currently, the board has five members whose districts coincide with the county supervisorial districts. This bill now requires the county to elect two new at large members to the board.

The Maricopa County Elections Department is concerned that the effective date of this bill will coincide with the time that new candidates must file for their offices. Given that the changes contained in this bill will need to be pre-cleared by the United States Department of Justice, there is reason to believe that there may not be enough time for the issue to be determined and proper petitions and ballot language to be crafted.

The sponsor, Representative Crandall, has indicated that there will be subsequent legislation in the time that remains in this legislative session to delay the implementation of these changes to 2012. I urge the county to work with the sponsor to ensure that the necessary steps are taken to address these concerns.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".
Janice K. Brewer
Governor

JKB/nb

cc: The Honorable Bob Burns
The Honorable Rich Crandall

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 48

HOUSE BILL 2261

AN ACT

AMENDING SECTIONS 15-1441, 15-1444 AND 16-322, ARIZONA REVISED STATUTES;
RELATING TO COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1441, Arizona Revised Statutes, is amended to
3 read:

4 15-1441. Selection of precincts; district board members; terms;
5 qualifications; vacancies

6 A. The board of supervisors shall establish in the same manner as
7 provided in section 16-411 five precincts in a community college district for
8 the election of a district board member from each precinct. A precinct in a
9 community college district shall be composed of the number of election
10 precincts as determined by the board of supervisors and shall have the same
11 boundaries as are defined for the election precincts under section 16-411. If
12 the board of supervisors redefines the boundaries of election precincts under
13 section 16-411 ~~which~~ THAT are included within a precinct in a community
14 college district, the board of supervisors shall redefine the boundaries of
15 the precinct in the community college district to conform with the election
16 precinct changes. The precincts shall be established in a newly organized
17 district subsequent to the organizational vote, and the county school
18 superintendent shall appoint five members, one from each precinct, who are
19 qualified electors.

20 B. Where two or more counties constitute a district, as many precincts
21 shall be set up by the board of supervisors in each county as the county is
22 entitled to membership. In no case shall a county ~~which~~ THAT is part of a
23 district have more than four precincts, and where a district consists of two
24 or more counties at least one member shall reside in each county.

25 C. At the first general election held for a district, the candidate
26 having the most votes in each precinct shall be declared elected, provided
27 the candidate meets the requirements provided in subsection A of this
28 section. The two elected members having the highest number of votes receive
29 six year terms, the two elected members receiving the next highest number of
30 votes receive four year terms and the one elected member receiving the lowest
31 number of votes receives a two year term. Thereafter each member's term is
32 six years, EXCEPT FOR A COUNTY WITH A POPULATION OF AT LEAST THREE MILLION
33 PERSONS, BEGINNING IN THE NEXT ELECTION AFTER THE EFFECTIVE DATE OF THIS
34 AMENDMENT TO THIS SECTION, EACH MEMBER'S TERM IS FOUR YEARS.

35 D. The next general election of district board members following the
36 first general election shall be for the precinct where the elected candidate
37 received the lowest number of votes and the second general election for the
38 two precincts where the elected candidates received the next highest number
39 of votes and the third general election for the two precincts where the
40 elected candidates received the highest number of votes. The order of
41 elections as established through this procedure shall thereafter be the order
42 of precinct elections.

1 E. Vacancies shall be filled by appointment by the county school
2 superintendent for the unexpired term for the precinct where the vacancy
3 occurs, except that if the unexpired term is two years or longer, the county
4 school superintendent may do one of the following:

5 1. Make an appointment for a term, which shall be until the next
6 regular election for district board members, at which time a successor shall
7 be elected to serve the unexpired portion of the term.

8 2. With the approval of the district board, leave the vacancy until
9 the next regular election for governing board members, at which time a
10 successor shall be elected to serve the unexpired portion of the term.

11 F. When a vacancy occurs in a district with more than one county, the
12 county school superintendent of the county where the previous incumbent
13 resided shall fill the appointment for the unexpired term.

14 G. A county officer as provided in section 11-401 is not eligible to
15 serve as a member of a community college district governing board during his
16 term of office.

17 H. Employees of a community college district or their spouses are not
18 eligible to hold membership on the community college district governing board
19 in the district in which the employee is employed.

20 I. IN ADDITION TO THE GOVERNING BOARD MEMBERS WHO ARE ELECTED FROM
21 EACH OF THE FIVE PRECINCTS IN A COMMUNITY COLLEGE DISTRICT, A COUNTY WITH A
22 POPULATION OF AT LEAST THREE MILLION PERSONS SHALL ELECT TWO ADDITIONAL
23 GOVERNING MEMBERS FROM THE DISTRICT AT LARGE. AT THE FIRST GENERAL ELECTION
24 HELD TO ELECT AT-LARGE GOVERNING BOARD MEMBERS, THE TWO CANDIDATES HAVING THE
25 MOST VOTES SHALL BE DECLARED ELECTED, IF EACH CANDIDATE IS A QUALIFIED
26 ELECTOR WHO RESIDES IN THAT COUNTY. THE ELECTED MEMBER WHO RECEIVES THE
27 HIGHEST NUMBER OF VOTES OF THE AT-LARGE CANDIDATES SHALL SERVE A FOUR YEAR
28 TERM AND THE ELECTED MEMBER WHO RECEIVES THE NEXT HIGHEST NUMBER OF VOTES
29 SHALL SERVE A TWO YEAR TERM. THEREAFTER EACH MEMBER'S TERM IS FOUR YEARS.

30 Sec. 2. Section 15-1444, Arizona Revised Statutes, is amended to read:

31 15-1444. General powers of district governing boards

32 A. Except as otherwise provided, the district board shall:

33 1. Maintain each community college for a period of not less than eight
34 months in each year and, if the funds of the district are sufficient,
35 maintain each community college for a longer period.

36 2. Adopt policies in a public forum to offer programs that meet the
37 educational needs of the population served by the community college.

38 3. Enforce the courses of study prescribed by the district board.

39 4. Visit each community college under its jurisdiction and examine
40 carefully into its management, conditions and needs.

41 5. Exclude from each community college all books, publications or
42 papers of a sectarian, partisan or denominational character intended for use
43 as textbooks.

1 6. Appoint and employ a chancellor or chancellors, vice-chancellors, a
2 president or presidents, vice-presidents, deans, professors, instructors,
3 lecturers, fellows and such other officers and employees it deems necessary.
4 The district board may enter into employment contracts with chancellors,
5 vice-chancellors and presidents for a duration of more than one year but not
6 more than five years.

7 7. Determine the salaries of persons it appoints and employs.

8 8. Remove any officer or employee if in its judgment the interests of
9 education in this state require the removal.

10 9. Award degrees, certificates and diplomas upon the completion of
11 courses and curriculum as it deems appropriate.

12 10. Appoint or employ, if it deems necessary, police officers who shall
13 have the authority and power of peace officers. The police officers who have
14 received a certificate from the Arizona peace officer standards and training
15 board are eligible for membership in and benefits under either title 38,
16 chapter 5, article 2 or the public safety personnel retirement system under
17 title 38, chapter 5, article 4.

18 11. Determine the location within the district of a community college
19 and purchase, receive, hold, make and take leases of, sell and convey real or
20 personal property for the benefit of the community colleges under its
21 jurisdiction.

22 12. Obtain insurance or be self-insured, or a combination of insurance
23 and self-insurance, against loss, to the extent it is determined necessary on
24 community college buildings of the district. The local district shall have
25 an insurable interest in the buildings.

26 B. The district board may:

27 1. Administer trusts declared or created for the district and receive
28 by gift or devise and hold in trust or otherwise property wheresoever
29 located, and if not otherwise provided, dispose of the property for the
30 benefit of the district.

31 2. Lease real property, as lessor or as lessee. If a district is the
32 lessee, the lease may contain an option to purchase the property. The
33 district board may adopt policies as are deemed necessary and may delegate in
34 writing to the chancellor or president of the district, or their designees,
35 all or any part of its authority to lease property under this paragraph. A
36 district board shall not delegate the authority to execute a lease that
37 exceeds one hundred thousand dollars per year. Any delegation by the
38 district board pursuant to this paragraph may be rescinded in whole or in
39 part at any time by the district board.

40 3. Sue and be sued.

41 4. Contract. The district board may adopt such policies as are deemed
42 necessary and may delegate in writing to the chancellor or president of the
43 district, or their designees, all or any part of its authority to contract

1 under this paragraph. Any delegation of authority under this paragraph may
2 be rescinded by the district board at any time in whole or in part.

3 5. Construct, remodel and repair buildings.

4 6. In conjunction with other districts, establish policies for
5 procurement of goods and services.

6 7. Provide a plan or plans for employee benefits which may include
7 optional retirement programs pursuant to section 15-1451, subsection A, which
8 allow for participation in a cafeteria plan that meets the requirements of
9 the United States internal revenue code of 1986.

10 8. Accept grants or donations of monies from the United States, or
11 from any of its agencies, departments or officers, or from persons,
12 corporations, foundations or associations. A district board shall deposit
13 the monies into a specific fund or account and a district board shall
14 administer the monies in accordance with the purpose of the grant or donation
15 with specific policies or restrictions as described or stipulated in the
16 grant or donation. In the case of personal property granted or donated to or
17 for the benefit of a community college district, a district board shall
18 immediately transfer possession and ownership of the property to the
19 designated district.

20 9. Enter into intergovernmental agreements or contracts pursuant to
21 section 11-952.01 for participation in programs offered by public agency
22 pools or separately contract with a trustee or board of trustees that
23 provides a common self-insurance program with pooled funds and risks pursuant
24 to section 15-382, subsection B, paragraph 2. The district board is not
25 required to engage in competitive procurement in order to make the decision
26 to participate in these programs.

27 10. NAME A BUILDING OR A GROUP OF BUILDINGS THAT IS LOCATED ON A
28 COMMUNITY COLLEGE CAMPUS ON BEHALF OF A PERSON OR ENTITY THAT HAS MADE A
29 SIGNIFICANT CONTRIBUTION OF MONIES OR OTHER PROPERTY TO THE COMMUNITY COLLEGE
30 OR THE COMMUNITY COLLEGE DISTRICT.

31 11. ENTER INTO RESEARCH AND DEVELOPMENT AGREEMENTS, ROYALTY AGREEMENTS,
32 DEVELOPMENT AGREEMENTS, LICENSING AGREEMENTS AND PROFIT-SHARING AGREEMENTS
33 CONCERNING THE RESEARCH, DEVELOPMENT, PRODUCTION, STORING OR MARKETING OF NEW
34 PRODUCTS DEVELOPED OR TO BE DEVELOPED THROUGH COMMUNITY COLLEGE DISTRICT
35 RESEARCH.

36 C. If a district acquires real or personal property, whether by
37 purchase, exchange, condemnation, gift or otherwise, the district shall pay
38 to the county treasurer any taxes on the property that were unpaid as of the
39 date of acquisition, including penalties and interest. The lien for unpaid
40 delinquent taxes, penalties and interest on property acquired by the
41 district:

42 1. Is not abated, extinguished, discharged or merged in the title to
43 the property.

44 2. Is enforceable in the same manner as other delinquent tax liens.

1 D. ~~From and after December 31, 1988,~~ In a district whose boundaries
2 encompass a vehicle emissions control area as defined in section 49-541 the
3 district board shall require all out of county and out of state students to
4 sign an affidavit at the time of course registration that the student's
5 vehicle meets the requirements of section 49-542. ~~From and after December~~
6 ~~31, 1988,~~ The district board on property under its jurisdiction within a
7 vehicle emissions control area shall prohibit the parking of those vehicles
8 which THAT fail to comply with section 49-542.

9 E. A community college district and a joint technological education
10 district governing board may enter into agreements for the provision of
11 administrative, operational and educational services and facilities.

12 F. Each district may establish a program for the exchange of students
13 between the community colleges under its jurisdiction and colleges and
14 universities located in Sonora, Mexico. The program may provide for in-state
15 tuition for Sonora students at the community colleges under ~~it's~~ THE
16 jurisdiction OF THE DISTRICT in exchange for similar tuition provisions for
17 Arizona students enrolled or seeking enrollment in Sonora colleges and
18 universities. The community colleges may work in conjunction with the
19 Arizona-Mexico commission in the governor's office to coordinate recruitment
20 and admissions activities to provide for in-state tuition for up to fifty
21 Sonora students at the community colleges under ~~it's~~ THE jurisdiction OF THE
22 DISTRICT in exchange for similar tuition provisions for up to fifty total
23 Arizona students enrolled or seeking enrollment in Sonora colleges and
24 universities.

25 G. Each district shall facilitate transfer articulation coordination
26 pursuant to section 15-1824.

27 Sec. 3. Section 16-322, Arizona Revised Statutes, is amended to read:
28 16-322. Number of signatures required on nomination petitions

29 A. Nomination petitions shall be signed:

30 1. If for a candidate for the office of United States senator or for a
31 state office, excepting members of the legislature and superior court judges,
32 by a number of qualified electors who are qualified to vote for the candidate
33 whose nomination petition they are signing equal to at least one-half of one
34 per cent of the voter registration of the party of the candidate in at least
35 three counties in the state, but not less than one-half of one per cent nor
36 more than ten per cent of the total voter registration of the candidate's
37 party in the state.

38 2. If for a candidate for the office of representative in Congress, by
39 a number of qualified electors who are qualified to vote for the candidate
40 whose nomination petition they are signing equal to at least one-half of one
41 per cent but not more than ten per cent of the total voter registration of
42 the party designated in the district from which such representative shall be
43 elected.

1 3. If for a candidate for the office of member of the legislature, by
2 a number of qualified electors who are qualified to vote for the candidate
3 whose nomination petition they are signing equal to at least one per cent but
4 not more than three per cent of the total voter registration of the party
5 designated in the district from which the member of the legislature may be
6 elected.

7 4. If for a candidate for a county office or superior court judge, by
8 a number of qualified electors who are qualified to vote for the candidate
9 whose nomination petition they are signing equal to at least two per cent but
10 not more than ten per cent of the total voter registration of the party
11 designated in the county or district, provided that in counties with a
12 population of two hundred thousand persons or more, a candidate for a county
13 office shall have nomination petitions signed by a number of qualified
14 electors who are qualified to vote for the candidate whose nomination
15 petition they are signing equal to at least one-half of one per cent but not
16 more than ten per cent of the total voter registration of the party
17 designated in the county or district.

18 5. If for a candidate for a community college district, by a number of
19 qualified electors who are qualified to vote for the candidate whose
20 nomination petition they are signing equal to at least ~~one-half~~ ONE-QUARTER
21 of one per cent but not more than ten per cent of the total voter
22 registration in the precinct as established pursuant to section 15-1441.
23 NOTWITHSTANDING THE TOTAL VOTER REGISTRATION IN THE COMMUNITY COLLEGE
24 DISTRICT, THE MAXIMUM NUMBER OF SIGNATURES REQUIRED BY THIS PARAGRAPH IS ONE
25 THOUSAND.

26 6. If for a candidate for county precinct committeeman, by a number of
27 qualified electors who are qualified to vote for the candidate whose
28 nomination petition they are signing equal to at least two per cent but not
29 more than ten per cent of the party voter registration in the precinct or ten
30 signatures, whichever is less.

31 7. If for a candidate for justice of the peace or constable, by a
32 number of qualified electors who are qualified to vote for the candidate
33 whose nomination petition they are signing equal to at least two per cent but
34 not more than ten per cent of the party voter registration in the precinct.

35 8. If for a candidate for mayor or other office nominated by a city at
36 large, by a number of qualified electors who are qualified to vote for the
37 candidate whose nomination petition they are signing equal to at least five
38 per cent and not more than ten per cent of the designated party vote in the
39 city, except that a city that chooses to hold nonpartisan elections may by
40 ordinance provide that the minimum number of signatures required for the
41 candidate be one thousand signatures or five per cent of the vote in the
42 city, whichever is less, but not more than ten per cent of the vote in the
43 city.

1 9. If for an office nominated by ward, precinct or other district of a
2 city, by a number of qualified electors who are qualified to vote for the
3 candidate whose nomination petition they are signing equal to at least five
4 per cent and not more than ten per cent of the designated party vote in the
5 ward, precinct or other district.

6 10. If for a candidate for an office nominated by a town at large, by a
7 number of qualified electors who are qualified to vote for the candidate
8 whose nomination petition they are signing equal to at least five per cent
9 and not more than ten per cent of the vote in the town.

10 11. If for a candidate for a governing board of a school district, by a
11 number of qualified electors who are qualified to vote for the candidate
12 whose nomination petition they are signing equal to at least one-half of one
13 per cent of the total voter registration in the school district if the
14 governing board members are elected at large or one per cent of the total
15 voter registration in the single member district if governing board members
16 or joint technological education district board members are elected from
17 single member districts. Notwithstanding the total voter registration in the
18 school district or single member district, the maximum number of signatures
19 required by this paragraph is four hundred.

20 12. If for a candidate for a governing body of a special district as
21 described in title 48, by a number of qualified electors who are qualified to
22 vote for the candidate whose nomination petition they are signing equal to at
23 least one-half of one per cent of the vote in the special district but not
24 more than two hundred fifty and not fewer than five signatures.

25 B. The basis of percentage in each instance referred to in subsection
26 A of this section, except in cities, towns and school districts, shall be the
27 number of voters registered in the designated party of the candidate as
28 reported pursuant to section 16-168, subsection G on March 1 of the year in
29 which the general election is held. In cities, the basis of percentage shall
30 be the vote of the party for mayor at the last preceding election at which a
31 mayor was elected. In towns, the basis of percentage shall be the highest
32 vote cast for an elected official of the town at the last preceding election
33 at which an official of the town was elected. In school districts, the basis
34 of percentage shall be the total number of voters registered in the school
35 district or single member district, whichever applies. The total number of
36 voters registered for school districts shall be calculated using the periodic
37 reports prepared by the county recorder pursuant to section 16-168,
38 subsection G. The count that is reported on March 1 of the year in which the
39 general election is held shall be the basis for the calculation of total
40 voter registration for school districts.

41 C. In primary elections the signature requirement for party nominees,
42 other than nominees of the parties entitled to continued representation
43 pursuant to section 16-804, is at least one-tenth of one per cent of the
44 total vote for the winning candidate or candidates for governor or

1 presidential electors at the last general election within the district.
2 Signatures must be obtained from qualified electors who are qualified to vote
3 for the candidate whose nomination petition they are signing.

4 D. If new boundaries for congressional districts, legislative
5 districts, supervisorial districts, justice precincts or election precincts
6 are established and effective subsequent to March 1 of the year of a general
7 election and prior to the date for filing of nomination petitions, the basis
8 for determining the required number of nomination petition signatures is the
9 number of registered voters in the designated party of the candidate in the
10 elective office, district or precinct on the day the new districts or
11 precincts are effective.

12 Sec. 4. Existing board members

13 Notwithstanding section 15-1441, Arizona Revised Statutes, as amended
14 by this act, all persons serving as members of a community college district
15 governing board in a county with a population of at least three million
16 persons on the effective date of this act shall continue to serve until the
17 expiration of their normal terms.

APPROVED BY THE GOVERNOR APRIL 14, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2010.